

U.S. Department of Justice

Civil Rights Division

Office of Special Counsel for Immigration-Related
Unfair Employment Practices



Look At The Facts. Not At The Faces.

Your Guide To Fair Employment



What Do You Need to Know About IRCA?

The Immigration Reform and Control Act (IRCA), signed on November 6, 1986, requires that you, as an employer, verify the identity and work eligibility of every employee hired after that date. It is now illegal to hire anyone who is not authorized to work in the United States. As part of this process, you must complete the Immigration and Naturalization Service's Form I-9 for all your employees—citizens and noncitizens alike. Failure to comply with the I-9 requirements may result in sanctions against you.

Congress recognizes that these employer sanctions might unintentionally discourage you from hiring workers who are not U.S. citizens or who appear to be foreign. In order to protect work-authorized individuals, IRCA also contains a provision prohibiting discrimination in hiring and firing on the basis of citizenship status or national origin. Under this provision, you must treat all qualified, eligible job applicants equally. Employers found to discriminate may be required to pay fines and penalties, and to hire or rehire employees, with back pay.



How Do You Avoid Immigration-Related Employment Discrimination?

- **Treat all people the same when you are announcing the job, taking applications, interviewing, offering the job, filling out the Form I-9, hiring and firing.**
- **Avoid “citizens only” hiring policies or requirements that applicants have a particular immigration status, unless required by law.**
- **Give out the same job information over the telephone and use the same application forms for all applicants.**
- **Base your decisions about firing on job performance and/or behavior, not on appearance, language, name, or citizenship status of your employees.**

How Do You Comply with the Form I-9 Requirement?

- **In order to avoid any appearance of discrimination, verify work eligibility after you have decided to hire an individual and allow your employee three days to provide the documents.**
- **Let your employee choose which documents to present, as long as they appear to be reasonably genuine.**
- **Realize that there are many different documents, with different appearances, that your employee may present. You can find a list of these documents on the back of the Form I-9.**



How Do You Comply with IRCA's Hiring Regulations?

- Hire only **those persons that are authorized to work in the U.S.**
- **Ask all your new employees—U.S. citizens and noncitizens alike—to show documents that establish both identity and work authorization.**
- **Complete the INS “Employment Eligibility Verification” Form I-9 for every new employee.**

**If You Have Any Further
Questions About Compliance
With IRCA's Antidiscrimination
Provision, Call This Hotline
Number For Information**

1-800-255-8155

**TDD for hearing impaired: 1-800-362-2735
Office of Special Counsel for Immigration-Related
Unfair Employment Practices (OSC)**

**or write to OSC at:
U.S. Department of Justice
P.O. Box 27728
Washington, DC 20038-7728**

